

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	Criminal No. 18-308(1) (PJS/KMM)
)	
Plaintiff,)	ORDER REGARDING CARES ACT
)	
v.)	
)	
SEYED SAJJAD SHAHIDIAN,)	
)	
Defendant.)	

This matter is before the Court on the parties' Joint Motion pursuant to the CARES Act for change of plea and sentencing hearings via video. [Docket No. 39]

On March 27, 2020, Congress passed the CARES Act, Pub. L. No. 116-136, which allows federal courts that have been materially affected by the coronavirus outbreak to authorize the use of video teleconferencing for certain criminal proceedings. Id. § 15002. Specifically, felony plea and sentencing hearings may be conducted by video teleconference if (1) “the Judicial Conference of the United States finds that emergency conditions . . . with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of [] the Federal courts,” (2) the chief judge of a district finds that felony pleas and sentencings “cannot be conducted in person without seriously jeopardizing public health and safety,” and (3) “the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” Id. § 15002(b)(2).

On March 29, 2020, the Judicial Conference made the required finding that emergency conditions due to COVID-19 will materially affect the functioning of the

federal courts. See Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic (March 31, 2020), <https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic>. On March 30, 2020, the Chief Judge for the District of Minnesota issued General Order No. 5, In Re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19, in which he found felony pleas and felony sentencings in the District of Minnesota “cannot be conducted in person without seriously jeopardizing public health and safety.” The Chief Judge ordered, “[I]f a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case.” Id. ¶ 2.

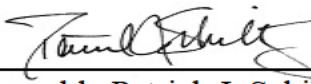
Because the Judicial Conference and the Chief Judge of the District of Minnesota have made the required findings under the CARES Act, and because defendant and counsel have agreed to appear by video teleconference, to proceed with the change of plea and sentencing hearings, the Court need only find specific reasons that the change of plea and sentencing hearings in this matter cannot be further delayed without serious harm to the interests of justice.

The parties conferred and jointly moved this Court to make the required findings that the change of plea and sentencing hearings in this matter should proceed by video, as they believe that it cannot be further delayed without serious harm to the interests of justice. CARES Act, § 15002(b)(2). The parties explain that defendant has been in custody since

his arrest on November 11, 2018. Defendant was finally extradited to the United States in May 2020—after spending about a year and a half in custody abroad. Defendant faces a maximum 60-month penalty for his offense, and intends to move the Court for a downward variance and departure at sentencing. Given all of this, defendant is eager to proceed with his change-of-plea and sentencing hearings. Because the Court believes that further delay would seriously harm the interests of justice, IT IS HEREBY ORDERED that:

The Parties' Joint Motion for a videoconference change of plea and sentencing hearing pursuant to the CARES Act Section 15002(B)(2) [Docket No. 39], is GRANTED.

Dated: June 15, 2020



Honorable Patrick J. Schiltz
United States District Court Judge